THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 12804 of 2007

DATE: 09-08-2007

Between :

J.Subbarami Reddy

… Petitioner

And

The District Collector,
Prakasam District, Ongole and 2 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 12804 of 2007

ORDER:

This writ petition is filed seeking a declaration that the seizure of 300 bags of rice belonging to the petitioner under Panchanama dated 24-05-2007 and the consequential order passed by the first respondent dated 12-06-2007 rejecting the request of the petitioner for release of the seized rice pending enquiry and directing disposal of the same by distribution through public distribution system is arbitrary and illegal.

I have heard the learned counsel for both the parties.

It is vehemently contended by the learned counsel for the petitioner that the seizure was effected only on mere suspicion and all the allegations made by the respondents are false and without any basis.

Since the correctness of the allegations made is the subject matter of the enquiry pending before the first respondent under Section 6-A of the Essential Commodities Act, 1995 (for short 'the Act'), it is neither necessary nor proper for this Court to express any opinion on merits. So far as the disposal of the seized stock is concerned, this Court has already granted interim stay of the same by order dated 21-06-2007.

It is represented by the learned Government Pleader that the notice under Section 6-B of the Act has already been issued and the enquiry will be concluded expeditiously.

In the circumstances, the writ petition is disposed of with a direction to the first respondent to complete the enquiry under Section

6-A of the Act, following due process of law as expeditiously as possible preferably within a period of three weeks from the date of receipt of a copy of this order. Till such time, the seized stock shall not be sold. No costs.

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G. ROHINI, J.

Date:09-08-2007

Note: Issue C.C. in two days.

B/o

KLP